IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

CRP.No. 571 of 2007()

AGAINST THE ORDER IN E.P.13/07 IN
OS.211/2003 of MUNSIF COURT, KANJIRAPPALLY
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REVN. PETITIONERS: JUDGMENT DEBTORS/
COUNTER PETITIONERS
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1. K.J.JOHNY, KALLAMMAKKAL HOUSE,
KOOVAPPALLY VILLAGE, KANJIRAPPALLY TALUK,
KANJIRAPPALLY, KOTTAYAM DISTRICT.

2. T.M.NOORMUHAMMED,
THENAMMAKKAL HOUSE, MANANGALLOOR,
KOOVAPPALLY, KANJIRAPPALLY.

BY ADV. SRI.TITUS MANI VETTOM
SRI.S.SURAJ (PALATHANATHU)

RESPONDENT: DECREE HOLDER/PETITIONER

CATHOLIC SYRIAN BANK,
KOOVAPPALLY BRANCH, REPRESENTED BY ITS MANAGER,
KOOVAPPALLY, KOTTAYAM DIST.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 571 OF 2007

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Dated this the 22nd day of June, 2007.

O R D E R

This revision petition is filed against the order of the Munsiff, Kanjirappally in E.P.13/07 whereby the learned Munsiff had ordered arrest of judgment debtors 1 and 3 for realisation of the decree amount. At one point of time the Bank agreed for deposit of the amount at the rate of Rs.3,000/-. The respondents paid it for some point of time and thereafter defaulted. Ultimately, the Bank moved the present application. The Court found that judgment debtors 1 and 3 have sufficient means to pay the amount and had neglected to pay the amount and therefore ordered issuance of warrant. Now, it is aggrieved by that, this civil revision petition is filed.

2. At the time of hearing the learned counsel for the revision petitioner seeks some sympathy and wants the Court to give some time to the respondent to pay off the decree debt. He asserts his earnestness by offering to deposit 1/3rd amount within a stipulated time and to pay the

balance amount in instalments. The Bank is only eager in getting the amount back and not in really sending the judgment debtor to jail. Therefore, I am inclined to dispose of the C.R.P. as follows:

The Civil Revision Petitioners are directed to pay 1/3rd of the balance amount due to the Bank within a period of six weeks from today and continue to pay the balance 2/3rd amount in six monthly equal installments commencing from 1st September, 2007 and in case of default of any of the installments or in default of payment of 1/3rd within the stipulated time, the decree holder will be at liberty to pursue the issuance of warrant against the revision petitioners. Till that time the arrest warrant shall remain suspended.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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